

REMARKS

In the Office Action mailed March 8, 2006, claims 31-36 were rejected under 35 U.S.C. § 102 over U.S. 5,640,193 (Wellner); and claims 1-3, 5-8, 11-18, and 21-30 were rejected under § 103 over U.S. Patent No. 6,577,907 (Czyszczewski) in view of U.S. Patent No. 6,704,462 (Aas).

Appln. Serial No. 09/911,211  
Amendment Dated June 6, 2006  
Reply to Office Action Mailed March 8, 2006

**STATEMENT OF COMMON OWNERSHIP**

The present application and U.S. Patent No. 6,704,462 (Aas) were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to the same person (Hewlett-Packard Development Company, L.P.).

Patent Assignment Abstracts of Title for the present application and Aas are attached herewith, which indicate that assignments to the Hewlett-Packard Development Company, L.P. have been recorded with the Patent Office.

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REJECTION UNDER 35 U.S.C. § 103

In view of the common ownership of the present application and Aas, it is respectfully submitted that Aas has been disqualified as prior art pursuant to 35 U.S.C. § 103(c). Therefore, withdrawal of the § 103 rejection of the claims over Czyszczewski and Aas is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 31-36 were rejected as being anticipated by Wellner. Claim 31 previously recited a scanner received in a set-top device. The Office Action cited Fig. 2 of Wellner as showing a scanner (11 or 18) received in a set-top device. In Fig. 2 of Wellner, a scanner pen 18 is connected by a wire 19 to a set-top box 15. Also, Fig. 2 shows another scanner pen 11 communicating wirelessly with the set-top box 15. Neither scanner pen 11 nor 18 is received *in* the set-top device. To make claim 31 clearer in this respect, claim 31 has been amended to recite a scanner *physically installed* in the set-top device. Clearly, neither of the scanner pens 11 and 18 of Wellner are physically installed in the set-top device. Therefore, claim 31 is clearly not anticipated by Wellner.

Dependent claims of claim 31 are allowable for at least the same reasons. Moreover, with respect to dependent claim 32, Wellner further does not disclose a user interface that enables user selection of a setting to e-mail the image. The Office Action cited column 4, lines 1-6, of Wellner as disclosing this feature. The cited passage refers to multimedia servers 13, 17 that can be used to provide audio programs, video programs, or electronic documents *to the user*. The cited passage of Wellner also refers to multimedia server 13 handling service requests from thousands of customers at the same time, and the server 13 sending multimedia data or programs to the set-top box 15 for display at the user's TV receiver 16. However, there is absolutely no teaching whatsoever of a user interface that enables user selection of a setting to e-mail the image, where the image is of the object produced by the scanner recited in claim 31.

Dependent claim 35 recites that the object can comprise a photograph, and the user interface enables editing of an image of the photograph. The Office Action cited column 2, lines 29-34, of Wellner as disclosing the editing of an image of the photograph. The cited passage of Wellner states that a photograph or advertisement in a newspaper, magazine, or catalog can be accompanied by a printed bar code or alphanumeric ID, and that a user can use the scanner 10 to scan the printed ID. There is absolutely no indication whatsoever of the user interface enabling editing of an image of a photograph that is part of the object being scanned by the scanner.

Dependent claim 36 is also further allowable as Wellner fails to disclose that the set-top device has a bay to receive the scanner.

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In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10010029-1).

Respectfully submitted,

Date: June 6, 2006



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## Patent Assignment Abstract of Title

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**Total Assignments: 2****Patent #:** NONE      **Issue Dt:**      **Application #:** 09911211 **Filing Dt:** 07/23/2001**Publication #:** US20030016383    **Pub Dt:** 01/23/2003**Inventors:** Jerlyn R. Culp, Gordon R. Nuttall**Title:** Internet receiver scanner**Assignment: 1****Reel/Frame:** 012456/0122      **Recorded:** 01/09/2002      **Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNEES INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** CULP, JERLYN R.**Exec Dt:** 07/18/2001NUTTALL, GORDON R.**Exec Dt:** 06/28/2001**Assignee:** HEWLETT-PACKARD COMPANY

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**Assignment: 2****Reel/Frame:** 014061/0492      **Recorded:** 09/30/2003      **Pages:** 110**Conveyance:** ASSIGNMENT OF ASSIGNEES INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** HEWLETT-PACKARD COMPANY**Exec Dt:** 09/26/2003**Assignee:** HEWLETT-PACKARD DEVELOPMENT COMPANY L.P.

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**Total Assignments: 2**

**Patent #:** [6704462](#)    **Issue Dt:** 03/09/2004    **Application #:** 09628925    **Filing Dt:** 07/31/2000

**Inventor:** Eric F. Aas

**Title:** SCALING CONTROL FOR IMAGE SCANNERS

**Assignment: 1**

**Reel/Frame:** [011383/0442](#)    **Recorded:** 12/18/2000    **Pages:** 2

**Conveyance:** ASSIGNMENT OF ASSIGNEES INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignor:** [AAS, ERIC F.](#)    **Exec Dt:** 08/24/2000

**Assignee:** [HEWLETT-PACKARD COMPANY](#)

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**Assignment: 2**

**Reel/Frame:** [014061/0492](#)    **Recorded:** 09/30/2003    **Pages:** 110

**Conveyance:** ASSIGNMENT OF ASSIGNEES INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignor:** [HEWLETT-PACKARD COMPANY](#)    **Exec Dt:** 09/26/2003

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